

Message Text

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PAGE 01 BONN 13599 201521Z

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ACTION EB-11

INFO OCT-01 EUR-25 NEA-10 ISO-00 L-03 CAB-09 CIAE-00

COME-00 DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 DRC-01

/071 W

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R 201510Z SEP 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7532

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BERN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMEMBASSY NICOSIA

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

AMEMBASSY VIENNA

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E.O. 11652: N/A

TAGS: ETRN, XG, GW

SUBJECT: CIVAIR - NORTH ATLANTIC FARES

REF: (A) STATE 178597; (B) BONN 12806; (C) STATE 175687;

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PAGE 02 BONN 13599 201521Z

(D) PARIS 24231

1. THE EMBASSY PASSED THE SUBSTANCE OF REFTELS (A) AND (C) TO THE AVIATION DEPARTMENT, FEDERAL MINISTRY OF TRANSPORT (FMT), AND HAS RECEIVED A LETTER FROM THE FMT, RELAYING ITS VIEWS WITH RESPECT TO THE ANTICIPATED CAB ACTION IN LIGHT OF THE US COURTS OF APPEALS DECISION (REFTEL C). COMPLETE TEXT OF THE FMT LETTER IS BEING AIR-POUCHED TO EB/OA/AN.

2. IN ESSENCE, THE VIEW OF THE FMT ON THE POINTS RAISED IN REFTEL (C) IS THAT FOR THE BALANCE OF 1973, THE CAB SHOULD PROCEED WITH A REAPPROVAL OF THE IATA AGREEMENT, A SOLUTION ENVISAGED UNDER POINT (2) OF THE AUGUST 28 CAB ORDER. IN THE FMT'S OPINION, THE COURT ORDER DOES NOT AFFECT THE PERIOD OF VALIDITY OF TARIFFS WHICH WERE ARRIVED AT ON THE BASIS OF AGREEMENTS UNDER INTERNATIONAL LAW. REFERENCE IS MADE IN THIS CONTEXT BY THE FMT TO THE PROVISIONS OF ARTICLE 11 OF THE BILATERAL AIR AGREEMENT. WITH REGARD TO THE POSSIBLE INITIATION BY THE USG OF A SERIES OF BILATERAL EXCHANGES ON NORTH ATLANTIC FARES, THE GERMAN AUTHORITIES BELIEVED IT PREFERABLE TO DEFER THEIR DECISION. THEY APPARENTLY FELT ADVERSE EFFECTS ON THE IATA TRAFFIC CONFERENCE PRESENTLY UNDERWAY COULD RESULT IF IT BECAME KNOWN TO THE AIRLINE COMMUNITY THAT GOVERNMENTS CONSIDERED A FAILURE OF THE CONFERENCE LIKE- LY. THIS FRG VIEW HAS OBVIOUSLY BEEN INTEGRATED INTO THE ECAC POSITION REPORTED PARA 6 OF REFTEL (D).

3. IN A BRIEF SUBSEQUENT CONVERSATION WITH FMT AVIATION OFFICIAL NIESTER, HE EXPRESSED HIS APPRECIATION FOR THE TIMELY RECEIPT OF THE INFORMATION ON THE TWO CAB STATE- MENTS (REFTEL A) ON THE EVE OF THE ECAC-SPONSORED RATE PANEL WHICH BEGAN IN PARIS ON SEPTEMBER 12. NIESTER, WHO ATTENDED THE PARIS SESSION HOPED THAT THERE MIGHT BE AN OPPORTUNITY FOR PERSONAL EXCHANGES WITH CAB OFFICIALS IN PARIS. HE EXPLAINED THAT THE FRG IN ITS LETTER HAD PUR- POSELY CHOSEN TO PURSUE MORE LEGAL RATHER THAN PRAGMATIC APPROACHES TO THE FARE PROBLEM BECAUSE THEY BELIEVED THAT UNDER PRESENT CIRCUMSTANCES THIS MIGHT PROVE MORE USEFUL TO THE CAB.

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PAGE 03 BONN 13599 201521Z

4. AFTER RETURNING FROM PARIS, NIESTER DEPARTED BONN ON ANOTHER TRIP; THEREFORE WE HAVE NOT HAD AN OPPORTUNITY TO SOLICIT HIS IMPRESSIONS RE THE ECAC RATE PANEL MEET- ING. WE WILL CONTACT HIM WHEN HE RETURNS ON SEPTEMBER 24 FOR A FURTHER READING ON PRESENT FRG VIEWS.
HILLENBRAND

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Disposition Approved on Date:
Disposition Authority: morefirh
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Disposition Remarks:
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